

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
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In re United States Patent Application of:)	Docket No.:	4354-110
)		
Applicants: CABANA, Bernard E., et al.)	Conf. No.:	4322
)		
Application No.: 10/668,792)	Art Unit:	1614
)		
Date Filed: September 23, 2003)	Examiner:	Phyllis G. Spivack
)		
Title: RIFALAZIL COMPOSITIONS AND THERAPEUTIC REGIMENS)	Customer No.:	23448
)		

FACSIMILE TRANSMISSION CERTIFICATE**ATTN: Examiner Phyllis G. Spivack****Fax No. (571) 273-8300**

I hereby certify that this document is being filed in the United States Patent and Trademark Office, via facsimile transmission, addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, transmitted on the date specified below, to United States Patent and Trademark Office facsimile transmission number (571) 273-8300.

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Number of Pages


Kate Pope

January 13, 2010

Date

**RESPONSE TO NOTICE OF IMPROPER REQUEST FOR CONTINUED
EXAMINATION AND SUBMISSION OF CORRECTIVE REQUEST FOR CONTINUED
EXAMINATION IN U.S. PATENT APPLICATION NO. 10/668,792**

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
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Sir:

The USPTO issued a Notice of Improper Request for Continued Examination (RCE) on January

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4354-110

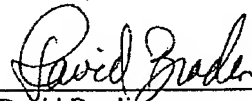
11, 2010, noting that the Request for Continued Examination (RCE) filed in the above-identified application on December 31, 2009 was improper because it was not accompanied by a submission.

The Notice further indicates that the time period set forth for response to the Final Office Action continues to run from the mailing date of that action. The November 16, 2009 Final Office Action set a period of three months for response until February 16, 2010; therefore, this response is timely filed and no extension of time is required.

In response to the January 11, 2010 Notice, enclosed and submitted herewith is a corrective Request for Continued Examination Transmittal (Form PTO/SB/30), along with payment of the \$405.00 fee (small entity) specified in 37 CFR 1.17(e) for such Request is authorized in the enclosed Credit Card Payment Form PTO-2038.

If any issues remain outstanding, the examiner is requested to contact the undersigned attorney at (919) 419-9350 to discuss same.

Respectfully submitted,



David Bradin
Reg. No. 37,783
Attorney for Applicants

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Enclosures:

Copy of January 11, 2010 Notice [2 pgs.]

Request for Continued Examination Transmittal (Form PTO/SB/30) [1 pg.]

Credit Card Form [1 pg.]

The USPTO is hereby authorized to charge any deficiency or credit any overpayment of fees properly payable for this document to Deposit Account No. 08-3284